

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Independent Claim 21 is amended to address the point noted at the top of page two of the Official Action. Accordingly, withdrawal of the claim rejection based on the second paragraph of 35 U.S.C. § 112 is respectfully requested.

The claims currently pending in this application are Claims 1-6 and 8-21. Claims 13-18 remain withdrawn from consideration because they define the non-elected invention. Thus, the claims currently under consideration are Claims 1-6, 8-12 and 19-21. Claims 1 and 21 are the only independent claims.

The most recent Official Action sets forth an obviousness rejection of independent Claims 1 and 21 based on a combination of the disclosures in three references -- U.S. Patent No. 5,507,852 to Frank et al. (Frank), U.S. Patent No. 2,921,411 to Black and U.S. Patent No. 3,457,057 to Gardon. That rejection is respectfully traversed for at least the following reasons.

One aspect of the bent glass sheet tempering apparatus recited in independent Claims 1 and 21 involves the quench nozzles in the spaced elongate plenums. Quench gas is supplied to these quench nozzles by way of the plenums. The independent claims recite that the quench nozzles of each plenum are mutually inclined to provide diverging jets of quench gas. The mutually inclined nature of the quench nozzles providing the diverging jets of quench gas is illustrated, by way of example, in Figs. 8 and 9.

The Official Action states that "Fig. 2 [of Frank] shows that the quench nozzles of each plenum are mutually inclined to provide diverging jets of quench gas." But

Fig. 2 of Frank discloses no such arrangement of quench nozzles. Frank's Fig. 2 depicts the overall apparatus and schematically illustrates by way of small dots the individual nozzles in the nozzle bars 57. Fig. 2 does not show mutually inclined quench nozzles that provide diverging jets of quench gas as recited in the independent claims.

The Examiner may recall that this aspect of the claimed bent glass sheet tempering apparatus was discussed during the interview conducted at the U.S. Patent and Trademark Office on April 19, 2010. At that time, the outstanding prior art rejection was based on the disclosure in U.S. Patent No. 4,711,655 to Schultz which was said to disclose mutually inclined quench nozzles providing diverging jets of quench gas. At the conclusion of the interview, it was recognized that Schultz does not disclose mutually inclined quench nozzles providing diverging jets of quench gas. So too here, Frank's schematic illustration of nozzles on the surface of the nozzle bar 57 is not a disclosure of mutually inclined quench nozzles providing diverging jets of quench gas.

It is respectfully submitted that the current obviousness rejection is improper and should be withdrawn.

Early and favorable action concerning this application is respectfully requested.

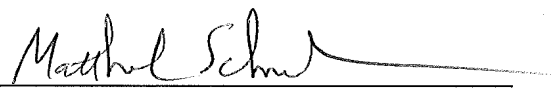
The dependent claims are allowable at least by virtue of their dependence from allowable independent Claim 1 and so a detailed discussion of the additional distinguishing aspects of the bent glass sheet tempering apparatus recited in the dependent claims is not presented at this time. Applicants reserve the right to present such arguments at a later time, or on appeal.

Should any questions arise concerning this application or should the Examiner believe that a telephone conference with the undersigned would help resolve any remaining issues involving this application, the Examiner is kindly asked to contact the undersigned at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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